

LAW OFFICES

JENNISON & SHULTZ, P.C.
CRYSTAL PLAZA #1 • SUITE 1102
2001 JEFFERSON DAVIS HIGHWAY
ARLINGTON, VIRGINIA 22202-3604

TEL: (703) 415-1640

FAX: (703) 415-0788

EMAIL: jennisonlaw@aol.com

JennisonLaw.com

KATHRYN JENNISON SHULTZ

JOHN N. JENNISON

CARL E. JENNISON

ELLSWORTH M. JENNISON

(1920 - 2005)

TRADEMARKS

COPYRIGHTS

January 3, 2007

Hon. Commissioner for Trademarks
Attention: Box TTAB – Fee
P.O. Box 1451
Alexandria, Virginia 22313-1451

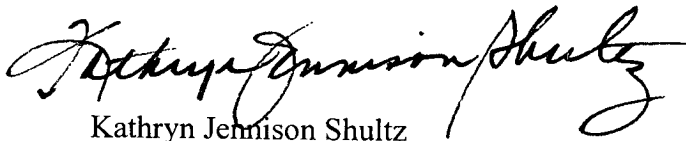
Re: Trademark Opposition
Tracie Martyn International LLC v. Chopra Enterprises, LLC
(Ser. No. 78/780,281 – SHANTI MEDITATION FACIAL)
International Class 44

Dear Madam:

We are transmitting herewith the Notice of Opposition in connection with the
subject noted above, together with check in the amount of \$300.00 to cover the official
filing fee

Correspondence in this matter should be directed to the undersigned attorney for
the Opposer.

Respectfully submitted,



Kathryn Jennison Shultz

KJS:no
Enclosures

TRADEMARK FEE PROCESS
RECEIVED
2007 JAN - 3 P 3: 58
US PATENT &
TRADEMARK OFFICE



01-03-2007

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #30

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Serial No. 78/780,281
Filed December 23, 2005
For the mark SHANTI MEDITATION FACIAL
Published in the Official Gazette on September 5, 2006

TRACIE MARTYN INTERNATIONAL LLC,

Opposer,

v.

CHOPRA ENTERPRISES, LLC,

Applicant.

.....

Opposition No.

US PATENT &
TRADEMARK OFFICE

2007 JAN - 3 P 3: 58

TRADEMARK FEE PROCESS
RECEIVED

NOTICE OF OPPOSITION

Opposer, Tracie Martyn International LLC, a New York limited liability company with a business address of 59 Fifth Avenue, New York, New York 10003, believes that it would be damaged by the issuance of a registration for the mark SHANTI MEDITATION FACIAL, as applied for in Application Serial No. 78/780,281, and therefore opposes the same. As grounds for the opposition, Opposer, by its attorneys Jennison & Shultz, P.C., alleges as follows:

1. Opposer is now, and has been for many years, engaged in the sale of skin care preparations and has provided skin and body care treatment services.
2. Opposer is the owner of U.S. Registration No. 3,159,277, registered October 17, 2006, for the mark SHANTI for "personal hygiene products, namely, perfumes." This registration is valid, subsisting and in full force and effect. As such, the registration serves as evidence of Opposer's exclusive right to use the mark.

01/04/2007 SWILSON 00000018 78780281

01 FC:6401

300.00 DP

3. On December 23, 2005, Applicant, Chopra Enterprises, LLC, filed the application at issue to register the mark SHANTI MEDITATION FACIAL for health spa services for health and wellness of the body and spirit offered at a health resort; health spa services, namely, cosmetic body care services; skin care salons in International Class 44, on the basis of intent to use.
4. On information and belief, Applicant made no use of the SHANTI MEDITATION FACIAL mark prior to the December 23, 2005, filing date of the subject application.
5. The mark that Applicant seeks to register, SHANTI MEDITATION FACIAL, is highly similar in sound, meaning and appearance to Opposer's SHANTI trademark, and will be used on services that are closely related to the goods on which Opposer uses its registered mark. Based on the similarity of the marks and the named goods and services, the public is likely to associate the services offered by Applicant under the mark SHANTI MEDITATION FACIAL with Opposer or Opposer's goods and services, or to believe that Applicant's services are sponsored, endorsed or licensed by Opposer, or that there is some relationship between Applicant and Opposer.
6. The services of Applicant, namely health spa services for health wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, and skin care salons, and the goods and services of the Opposer, namely personal hygiene products, non-medicated skin care preparations and skin care services, are closely related.

7. The services of Applicant and the goods and services of the Opposer may be promoted and sold to the same customers through the same channels of trade.
8. Opposer is likely to be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposer.
9. For the reasons set forth above, any use of the mark SHANTI MEDITATION FACIAL by Applicant is likely to cause confusion, cause mistake or deceive the public, and cause the public to believe that the services sold under the SHANTI MEDITATION FACIAL mark emanate from or are otherwise sponsored by or endorsed by Opposer, in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer respectfully prays that the registration sought by Applicant be refused, and that this Notice of Opposition be sustained.

Respectfully submitted,

TRACIE MARTYN INTERNATIONAL LLC

Date: January 3, 2007

By: 

Kathryn Jennison Shultz
John N. Jennison
Carl E. Jennison
JENNISON & SHULTZ, P.C.
2001 Jefferson Davis Highway – Suite 1102
Arlington, Virginia 22202
Telephone: (703) 415-1640
Attorneys for Opposer